

## Caldwell, Lance

---

**From:** Mehta-Sampath, Ameesha  
**Sent:** Tuesday, December 21, 2021 2:48 PM  
**To:** Joseph, Towana; Caldwell, Lance  
**Subject:** FW: CURES: Presentation at a US EPA meeting today

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI

---

**From:** CURES <civicsunited@gmail.com>  
**Sent:** Thursday, August 12, 2021 12:55 PM  
**To:** Mehta-Sampath, Ameesha <Mehta-Sampath.Ameesha@epa.gov>; Andrea Scarborough <andrea.scarborough@att.net>; Walter Dogan <jarrett2796@aol.com>; Rebecca Bratspies <bratspies@law.cuny.edu>; Guel, Luz <luz.guel@mssm.edu>; maida.galvez@mssm.edu  
**Subject:** Fwd: CURES: Presentation at a US EPA meeting today

Ameesha, Please see below. These are the Brookhaven activists who engaged Assemblyman Steve Englebright and the \$250,000 appropriation for regional planning, and also got the NYS NAACP involved. This is a link to what their group has been doing: <https://www.brookhavenvillageassociation.org/?p=578> Kerim Odekon, MD NPI has already signed up for the presentation you sent info. about this morning. Prof. Abena Asare teaches at SUNY: <https://www.stonybrook.edu/commcms/africana-studies/people/faculty-staff/asare.php> Before today's meeting Andrea asked me if they were coming and I said we would involve them after the introductory meeting because there already was a lot on the table. As you see below they are very interested. Please invite them to the mapping meeting. Thanks & Best, Mary

----- Forwarded message -----

**From:** Abena Asare <[abena2002@gmail.com](mailto:abena2002@gmail.com)>  
**Date:** Thu, Aug 12, 2021 at 12:19 PM  
**Subject:** Re: CURES: Presentation at a US EPA meeting today  
**To:** CURES <[civicsunited@gmail.com](mailto:civicsunited@gmail.com)>  
**Cc:** Andrea Scarborough <[andrea.scarborough@att.net](mailto:andrea.scarborough@att.net)>, Kerim Odekon <[kerimodekon@gmail.com](mailto:kerimodekon@gmail.com)>

Hi Mary,

We very much would appreciate the opportunity to connect with the EPA about the environmental justice issues surrounding Long Island's waste infrastructure— from the waste by rail, to the landfill, to the lack of fair treatment and meaningful involvement on waste projects led by municipalities, under the regulatory oversight of the DEC.

Thank you very much for reaching out and including us in this. Kudos to CURES for securing the EPA's involvement in this critical mapping project. We would love to be involved and will make it a priority.

Keep us updated on the meeting schedule!

Many thanks  
Abena

On Thu, Aug 12, 2021 at 12:11 PM CURES <[civicsunited@gmail.com](mailto:civicsunited@gmail.com)> wrote:

Aben, Kerim, Our team included EJ leaders from Southeast Queens, including Andrea, who was at the zoom meeting with Steve Englebright, CUNY (Rebecca Bratspies, Director of the Center for Urban Environmental Reform), and Mt. Sinai (Luz Guel and Maida Galvez, MD). Federal, state, and city EJ personnel were at the meeting, and so was the NYC Department of Sanitation, and air quality and mapping personnel from US EPA. There is going to be a follow up meeting about creating city and state mapping of EJ communities impacted by waste facilities. You can see this request on CURES' slide, second from the end. We first approached US EPA about this in March, and now it is underway, with US EPA organizing the meetings.

If you feel you want US EPA involvement in your struggle (they do have some kind of jurisdiction over landfills; that came up today), and you have not already reached out, we could certainly include you in this mapping meeting as an entry point. BLARG communities will certainly be on the state map. The meeting is going to be sometime in September. Please let me know if you want to be included.

Attached is our team's presentation and below are CURES' remarks for our first slide, fourth from the end. Best, Mary

*(First slide) The main takeaways from this timeline are that promises were made to protect the public from adverse impacts of waste-by-rail back in 1997, 11 years before the industry started up -- at a time when Fresh Kills landfill was going to close and the Long Island Rail Road had decided to license a private company to operate its freight railroad.*

*At that time, Queens elected officials, including Borough President Clare Schulman, already anticipated the adverse impacts waste-by-rail could bring into neighborhoods, and they negotiated contracts with the LIRR and the New York & Atlantic Railway to avert those problems. The railroads made promises that there would be a 10-year moratorium on waste-by-rail; no waste-by-rail transfer stations in Queens; waste would be hauled in sealed containers; there would be no delay in the movement of waste-by-rail through Queens; and there would be a public participation organization established to address issues. However, by the time waste-by-rail started up on Long Island in 2008, promises were not enforced, and the railroads got the contract declared null and void by the NYC Corporation Counsel.*

*Also, the federal Clean Railroads Act of 2008 was passed, which took away the US DOT Surface Transportation Board's jurisdiction over transfer station operations on railroad property.*

*So this new industry started up without state or federal standards or regulations for siting or constructing rail transfer stations, or containing waste spillage, blowoff, leachate, and odors in rail cars and containers. To make matters worse, NYA had a fleet of unregulated, high-polluting, noisy 1970's locomotives that were and are grandfathered out of the federal Clean Air Act.*

*There have been a few notable improvements -- including:*

- *the use of unvented containers for MSW;*
- *the purchase of one Near Zero Emissions Tier 4 Switcher locomotive with US EPA DERA and private funding;*
- *direct outbound shipment by rail at DSNY/WM facilities;*
- *and fully enclosed transfer stations for MSW rail shipment.*

*These are the result of actions taken by DSNY and Waste Management. Otherwise, communities are basically living with the same adverse impacts as when the waste-by-rail industry started up in 2008.*

*All of the environmental and health burdens of waste-by-rail are failing on the same New Yorkers day after day. Luckily there have been dramatic improvements in technology that are available, as well as common sense efforts like the city's and those that have been approved and budgeted for by the NYS legislature. But almost none of them have been implemented. Why? We are learning more about the reasons for this in real time this week -- for example, from the Port Authority staff about the La Guardia Air Train project, and from LI Congresswoman Rice's comments about the Moreland Commission in Ronan Farrow's New Yorker article.*

*Under the control of Governor Cuomo, the MTA-LIRR has failed to conduct two real and fair competitive procurements*

*to complete a Tier 4 Switcher locomotive repowering for the NYA's fleet. The NYS Legislature already has appropriated \$27M -- \$3M a year since 2013 -- for this purpose. The Governor's DEC has failed to acknowledge the existence of the Clean Railroads Act, and that the STB and FRA have no jurisdiction over covering waste-by-rail. His DEC has failed to update rules even when Riverkeeper made the case for that during the Part 360 update, or conduct regional planning. Instead DEC continues to permit expansion of this new industry without mitigation on a site-by-site basis -- most recently in Brentwood, which NYS acknowledged in its responses to public comments on the permit as an Environmental Justice community.*

*So now that we are in a new day for Environmental Justice and for New York City and State, what opportunities are there to move forward? (2nd, 3rd, 4th slides).*

Civics  
United for  
Railroad  
Environmental  
Solutions  
[civicsunited@gmail.com](mailto:civicsunited@gmail.com)